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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,286	05/08/2001	Ashley Anderson Brock	RSW920010092US1	3438
26502	7590	12/01/2004	EXAMINER	
IBM CORPORATION IPLAW IQ0A/40-3 1701 NORTH STREET ENDICOTT, NY 13760			PERUNGA VOOR, VENKATANARAY	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/851,286

Applicant(s)

BROCK ET AL.

Examiner

Venkatanarayanan Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections – 35 USC §112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3,7,11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant mentions “network validity” on Line 1 of Claims 3,7,11 respectively, this term renders the claim indefinite, as this term is not easily understood by one with ordinary skill in the art. The examiner recommends “network descriptive validity” as mentioned in the specification. And the Claims 3,7,11 have been treated as “network descriptive validity” as described in the specifications.
3. Claims 4,8,12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant mentions “compound validity” on Line 1 of Claims 4,8,12 respectively, this term is not specified within the claim, as this term is not easily understood by one with ordinary skill in the art. The examiner recommends something similar to effect of “The validity conditions may be compound or Boolean, and include multiple temporal specifications, or multiple network-

descriptive specifications, or both temporal and network-descriptive specifications” as stated in the specification. And the Claims 4,8,12 have been treated as described in the specification.

***Claim Rejections – 35 USC §102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1-12,17 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2002/0112185 A1 to Hodges.
6. Regarding Claim 1, The “awaiting an update time of the intrusion detection system” is met by Hodges see Paragraph 0012 Line 3-6. Hodges discloses checking the provision and updating the set see Paragraph 0102 Line 18-25 & Paragraph 0036 & Paragraph 0034.
7. Regarding Claim 2, Hodges discloses temporal validity condition see Paragraph 0132 Line 1-14.

8. Regarding Claim 3, Hodges discloses network validity condition see Paragraph 0008 Line 1-7.
9. Regarding Claim 4, Hodges discloses compound validity condition see Paragraph 0223 Line 9-20.
10. Regarding Claim 5, The “awaiting an update time of the intrusion detection system” is met by Hodges see Paragraph 0012 Line 3-6. Hodges discloses checking the plurality of provision and updating the set see Paragraph 0102 Line 18-25 & Paragraph 0036 & Paragraph 0034.
11. Regarding Claim 6, Hodges discloses temporal validity condition see Paragraph 0132 Line 1-14.
12. Regarding Claim 7, Hodges discloses network validity condition see Paragraph 0008 Line 1-7.
13. Regarding Claim 8, Hodges discloses compound validity condition see Paragraph 0223 Line 9-20.
14. Regarding Claim 9, The “awaiting an update time of the intrusion detection system” is met by Hodges see Paragraph 0012 Line 3-6. Hodges discloses checking the plurality of provision and updating the set see Paragraph 0102 Line 18-25 & Paragraph 0036 & Paragraph 0034.
15. Regarding Claim 10, Hodges discloses temporal validity condition see Paragraph 0132 Line 1-14.
16. Regarding Claim 11, Hodges discloses network validity condition see Paragraph 0008 Line 1-7.

17. Regarding Claim 12, Hodges discloses compound validity condition see Paragraph 0223 Line 9-20.
18. Regarding Claim 17, Hodges discloses update time being scheduled time see Paragraph 0132 Line 5-7.

***Claim Rejections – 35 USC §103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claim 13-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Hodges (U.S. Publication No. 2002/0112185 A1) in view of U.S. Patent No. 6167520 to Touboul

21. Regarding Claim 13, Hodges does not disclose the step of altering a signature of the intrusion set. However, Touboul disclose that altering an signature see Column 1 Line 52-59. It would be obvious to one having ordinary skill in the art at the time of the invention to include a step of altering an signature of the intrusion set in order for protecting data from hostile agents see Column 1 Line 62-63.

22. Regarding Claim 14, 15 and 16 Hodges fails to disclose altering of threshold, action, and weight. However, Touboul discloses thresholds (see Column 4 Line 51-55) and Touboul further discloses modifying rules and actions as weights or hostility are altered see Column 4 Line 62- Column 5 Line 5. It would be obvious to one having ordinary skill in the art at the time of the invention to include the step of altering threshold, action and weight in order for the system to be more responsive see Column 4 Line 60-61.

23. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hodges (U.S. Publication No. 2002/0112185 A1) in view of U.S. Patent No. 5519717 to Lorenzo et al.

24. Regarding Claim 18, Hodges does not disclose update time being plurality of update times being periodic. However, Lorenzo et al. discloses update time being plurality of update times being periodic see Column 3 Line 60-65. It would be obvious to one having ordinary skill in the art at the time of the invention to include update time being plurality of update times being periodic in order to provide for synchronization with the network Column 3 Line 60-65.

25. Claim 19-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Hodges (U.S. Publication No. 2002/0112185 A1) in view of U.S. Patent No. 6351752 B1 to Cousins et al.

26. Regarding Claim 19, Hodges does not disclose update time being an computed update time. However, Cousins et al. discloses update time being an computed update time see Column 7 Line 5-12. It would be obvious to one having ordinary skill in the art at the time of the invention to include update time being an computed update time in order for all the rules to have an combined time see Column 5 Line 36-44.
27. Regarding Claim 20, Hodges does not disclose set of business rule being a single rule. However, Cousins et al. discloses set of business rule being a single rule see Column 4 Line 27-31. It would be obvious to one having ordinary skill in the art at the time of the invention to include set of business rule being a single rule in order to have all actions compacted into one rule see Column 4 Line 27-31.
28. Regarding Claim 21, Hodges does not disclose set of business rule includes more than one individual rule. However, Cousins et al. discloses set of business rule includes more than one individual rule see Column 6 Line 37-40. It would be obvious to one having ordinary skill in the art at the time of the invention to include set of business rule includes more than one individual rule in order to allow others to define rules see Column 4 Line 34-38.

### ***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of art in general:



U.S. Patent No. 6182226 B1 to Reid et al.

U.S. Publication No. 2001/005280 A1 to Dusenbury

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Venkatanarayanan Perungavoor  
Examiner  
Art Unit 2132

VP  
Venkatanarayanan Perungavoor

THOMAS R. PEESO  
PRIMARY EXAMINER